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Title: A METHOD FOR CREATING AND
MAINTANING WORLDWIDE E-COMMERCE

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Examiner: M.T.T. Thein

Art Unit: 3627

Declaration

37 CFR §1. 132

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Sir:

I, Santosh Philip, have been working in the field of software and website development as software engineer and software architect-engineer using various technologies and programming languages since 1986. I have a Diploma in Architecture from CEPT (Center for Environmental Planning and Technology University), Ahmedabad India and Master of Architecture from University of Minnesota. I am familiar with the art of presentation of multiple content hosts to users.

I was asked by the inventor, Mr. John Almeida (applicant), to evaluate whether or not applicant's "presenting" step from claim 308 of applicant's pending patent application is disclosed in prior art prior art U.S. Patent No. 6,141,666 (Tobin); and in addition whether or not applicant's "presenting" step would be considered obvious to a person of skill in the art in combination with Tobin's disclosure.

Applicant's "presenting" step follows:

"presenting a third host to a user accessing the server wherein the third host displays the first dynamic content and the second dynamic content together as if the first dynamic content and the second dynamic content originated from the third host."

To understand the context, I have reviewed the entire claim 308 language and the Tobin patent in its entirety and I apply background knowledge in the art to determine if Tobin's teaching would make applicant's presenting claim obvious to a person of skill in the art.

Applicant's "presenting" step in claim 308 requires the server to present a third host to a user. The third host displays the first dynamic content to a user, which an earlier step requires be retrieved from a first host. The third host also displays the second dynamic content to the user, which an earlier step requires be retrieved from a second host.

To understand this limitation, some background is needed. In the field of software development and in the context of applicant's description, dynamic content is content that is formulated on the fly, typically using code, such as ASP. This is explained in applicant's description

"ASP stands for Active Server Page and it is used to dynamically create web pages on the server side and transmit them to a requesting client as HTML objects." Description, paragraph 0069.

In applicant's invention, the content is received and stored in a database table and subsequently dynamically retrieved from that table. This is explained at

"The network server receives and saves E-SHOP B selection (products from E-SHOP A and a sub-category) into a virtual database table." Description, paragraph 0092.

Thus, in the "presenting" step, the first dynamic content and the second dynamic content are displayed to the user through a third host. Thus, the "presenting step" requires a third host that is not the same as the first host of the first dynamic content or the second host of the second dynamic content.

Tobin cannot be reasonably interpreted to teach the provision of a third host, as I will next explain.

Instead of a third host, Tobin teaches:

The system presents HTML documents which contain hypertext links, presented as single links or image maps, i.e., grouped links, which are anchored to data that is dynamically retrieved by the database means in response to the particular class to which the client belongs to, i.e., based on the identity of the network site referring the client to the system's server. Such a dynamic retrieval of data facilitates dynamic configuration of content on all anchored HTML documents so as to meet specific requirements of a marketing participant. Customization can be either a co-branded format, whereby content includes both the host's brand name and the participant's brand name, or a private label format, whereby only the marketing participant's brand name is displayed on the HTML documents presented to clients." Tobin, col. 3, lines 23-36.

The above Tobin teaching involves presenting a host that includes hypertext links that "anchored to data" that will be dynamically retrieved. Tobin teaches that these links are "single links" or "image maps." The fact that Tobin's host presents hypertext links means that Tobin's user must take action to click on the link to activate desired dynamic data retrieval; otherwise the hypertext link would have no meaning. Tobin teaches that his--

"image map 1101 herein is a grouping of the hypertext links 108-112, which point to Web site pages that are dynamically created to reflect preferences of the marketing partner, which in this instance is Pathfinder. Tobin, col. 9, lines 32-36.

So, Tobin can be reasonably interpreted to teach that the plurality of hypertext links is to multiple pages at a single target host. Tobin's hypertext links are to dynamically created web pages, but such hypertext links are not themselves dynamic content. Rather such links are static in nature because they point to individual pages on another web site, albeit those pages may be produced using dynamically retrieved data and the static links themselves may be selected using a dynamic process of customization for the user.

This is made clear in Tobin's example –

“Accordingly, all the server Web site pages accessed through the home page image map 2101 are anchored to PC Flowers & Gifts Web site pages that are dynamically created with fully customized graphic and text features according to Homearts' preferences.”
Tobin col.10, lines 14-18.

Seen in this light, a person of skill in the art would not interpret Tobin to describe the host presenting a first dynamic content with a second dynamic content, but rather to present links that will retrieve dynamically created pages with first dynamic content from a first host.

In Tobin, there is no reasonable interpretation that a third host displays two dynamic contents retrieved from two hosts: at best the host displays one dynamic content upon the user clicking on a hyperlink, which is not what applicant's “presenting” step requires.

Applicant's “presenting” step further states that such display occurs

“as if the first dynamic content and the second dynamic content originated from the third host.”

This “as if” limitation effectively requires a host (third host) or presenter of content to go between the user and the hosts of the first dynamic content and the second dynamic content. Since the third host is a go-in-between the user and the first host and second host, then it would be inconsistent with the “presenting” step for the user to be redirected to the first host or be redirected to the second host. This interpretation of the “presenting” step is supported by paragraph 137 and Fig. 15 of the applicant's disclosure.

While Tobin teaches the upon activation of the hyperlink, first dynamic content is retrieved and can be presented in customized HTML documents that identify the source host's brand name or be presented in a “private label format,” this does not indicate that the host prior to the user's click on the hyperlink is the same host as after the customized HTML document is prepared. And, none of

Tobin's examples show this same third host after the user jumps to Tobin's hypertext link destination.

In reviewing Tobin's figures 23-27, Tobin teaches that a private label is implemented when one co-branding partner's like 'HomeArts' is presenting a webpage with its logo, header, footer, etc.: Tobin col. 10 lines 3-7 '... and a fully customized footer 2117, "Homearts." The fully customized header 1116 and footer 2117 are also used on Web site pages 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900 and 3000'. The image-map links are anchored to PC Flowers & Gifts: Tobin col. 10 lines 14-16. 'Accordingly, all the server Web site pages accessed through the home page image map 2101 are anchored to PC Flowers & Gifts Web site pages ...' and it is clear that after the jump the content is not presented as if, because the host is the same as before the jump.

Also, it is clear that Tobin does not teach a host with dynamic content from two other hosts. In Tobin's example of a customized website with a private label (HomeArts), the website pages have HomeArts' look-and-feel but the content is retrieved from PC Flowers & Gifts website. In this particular arrangement, there are two sites, HomeArts and PC Flowers & Gifts but only one source of dynamic content and it is PC Flowers & Gifts website's contents. The cited example lacks the third host presenting the first and the second dynamic contents.

Tobin instead teaches identification of the participant host's brand name in all such jumps, which would contradict applicant's "as if" limitation:

"Customization can be either a co-branded format, whereby content includes both the host's brand name and the participant's brand name, or a private label format, whereby only the marketing participant's brand name is displayed on the HTML documents presented to clients." Tobin, col.3, lines 32-36.

So, Tobin's jump and participant's brand name display cannot reasonably be interpreted to teach applicant's "as if" limitation because the jump would

inherently identify a new source origination for the content, contradicting applicants requirement that the content appear as if it “originated from the third host,” i.e., the source before the click on the link.

In my opinion, Tobin clearly teaches away from applicant’s third content host at col. 2 lines 53-55; col. 5 lines 27-30; col. 5 lines 43-45; col. 10 lines 18-21 because Tobin teaches the advantages of user familiarity, loyalty, existing relationship, etc.: Tobin, col. 2 lines 53-55: “...to take advantage of a consumer's existing familiarity with a specific Internet site marketing partner....” Tobin, col. 5 lines 27-30: “...the consumer's trust in the participating Internet site's established brand name, or the consumer's existing relationship with the participating Web site.” Tobin, col. 5 lines 43-45: “...is crucial to transparently customizing Web site pages to take advantage of brand name recognition and customer loyalty.” Tobin col.10 lines 18-21: “Such a private label customization of the Web site pages takes advantage of the client's existing relationship and familiarity with the marketing partner, Homearts.”

Applicant’s “presenting step” eviscerates Tobin’s advantages because the user will not be familiar with the first host or the second host when the user is presented with content “as if the first dynamic content and the second dynamic content originated from the third host.”

In Tobin’s example using the PC Flowers & Gifts Web site (parallel to applicant’s third host), the user would not be familiar with the first host or any second host, from which first dynamic content or second dynamic content would be obtained.

In another of Tobin’s teachings involving co-branding, the user is familiar with the co-branding partner, not PC Flowers & Gifts. The co-branding partner promotes PC Flowers & Gifts. This is the reason the user starts at the co-branding partner’s website (Pathfinder):

“The Web site page 11B0 contains hypertext links, 11B2, 11B3, and 11B4, which provide jumps to Web site pages, related to the PC Flowers and Gifts...” Tobin, col. 9 lines 10-12.

Or, co-branding partner’s website (Homearts)

“The Web site page 21A0 includes a hypertext link 21A1 to a Homearts’ Web site page 21B1 shown in FIG. 21B, which offers marketing services to clients. The hypertext link 21B1 provides a jump to the PC Flowers & Gifts Web site pages...” Tobin col. 9 lines 56-60.

Tobin teaching and applicant presenting step are in opposition since Tobin’s user starts at the co-branding (promoter – Homearts or Pathfinder) then user is redirected to the website being promoted (PC Flowers & Gifts) by the co-branding partner. In applicant’s “presenting” step, the user starts out at the virtual third host (e.g., promoter – PC Flowers & Gifts) and would be linked to the dynamic host (co-branding partners – Pathfinder or HomeArts) being promoted. But according to the “presenting step,” the user’s interaction may not be redirected, but rather stays at the virtual third host.

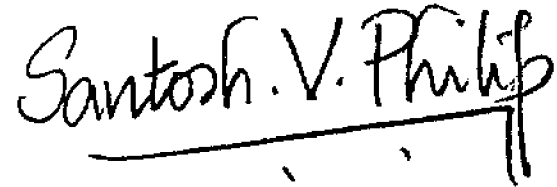
I conclude that applicant’s “presenting” step from claim 308 of applicant’s pending patent application is not disclosed in prior art prior art U.S. Patent No. 6,141,666 (Tobin), nor would Tobin’s disclosure lead any reasonable person of skill in the art to applicant’s “presenting” step, because the “presenting” step is so completely different from Tobin that it would be considered unrelated.

I, Santosh Phillip, declare that I currently have no interest in the assignee of record of applicant’s invention, Unoweb inc., the applicant, or application 10/029,073.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that

such willful false statements may jeopardize the validity of the application, or any patent issuing thereon.

Respectfully signed and submitted,

A handwritten signature in black ink that reads "Santosh V. Philip". The signature is written in a cursive style with a horizontal line underneath the name.

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